

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP (954-797-1101)

SUBJECT: Resolution – Plat
P 12-3-01, Sierra Estates Plat, 2000 Hiatus Road

AFFECTED DISTRICT: District 3 - Susan Starkey

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT TITLED, "SIERRA ESTATES PLAT", AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The site area consists of approximately 89.05 acres (3,879,018 square feet) for the proposed development of 88 single family lots. The plat provides for a 80' access opening located approximately 470' north of the south limits of the plat and a non-vehicular access line along the remaining portion of the west side of Hiatus Road. An on-site lake with discharge into the canal located to the east of the subject site is proposed by the applicant to accommodate the sites storm water impacts. Details of the drainage system will be reviewed during the site development process.

The plat is in conformance with the Town Code requirements and can be considered in final form.

PREVIOUS ACTION:

The subject property has been within the Town since incorporation. The land use plan designation was assigned to this parcel at the time of the adoption of the Comprehensive Plan in July 1989.

CONCURRENCES:

Planning and Zoning Board recommended approval subject to the Planning Report (Motion By: Ms. Lee, Seconded By: Ms. Turin, Vice-Chair Bender and Mr. Waitkus absent. Motion carried 3-0, August 14, 2002).

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S): Staff recommends that the subject report, on the platting of this property, be reviewed and discussed by Town Council so that a final decision may be rendered.

Attachment(s): Resolution with Back up, Land Use map, Subject Site map, and Aerial.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT TITLED, "SIERRA ESTATES PLAT", AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed boundary plat known as the Sierra Estates Plat has been approved by the Town Planning and Zoning Board on August 14, 2002.

WHEREAS, the legal description of the Property is set forth on Exhibit "A"; and

WHEREAS, the owners desire to plat the subject site; and

WHEREAS, through Resolution NO. 2002-31 and Ordinance No. 2002-8, the Town of Davie has undertaken a zoning in progress for a portion of the Town in which the Sierra Estates Plat is located; and

WHEREAS, the zoning in progress will lead to revised land development regulations which will affect Sierra Estates; and

WHEREAS, the applicant is on notice of said zoning in progress and the Town is desirous of ensuring that no action on the proposed plat will in any way restrict the ability of the Town of Davie to implement land development regulation changes emanating from the zoning in progress for any development on the Sierra Estates Plat; and

WHEREAS, The Town of Davie is only approving this Resolution with the understanding of the property owner that the approval of this Resolution will not alter or diminish the Town's rights with respect to the adoption of land development regulations and their application to the Sierra Estates Plat although the effect of such regulations may be to permit less than 88 dwelling units on the subject plat; and

WHEREAS, the approval of the Plat by the Town of Davie shall not be construed to be approval by the Town to 88 dwelling units on the subject plat; and

WHEREAS, the owner of the property, through its counsel, has agreed, as set forth on Exhibit "B", that the Town's approval of the plat restrictive note will not alter or diminish the Town's rights with respect to the adoption of land development regulations and their application to the subject plat;

WHEREAS, the conditions as set forth herein are essential to the approval of the proposed restrictive note of the Plat of Sierra Estates;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The boundary plat known as the Sierra Estates Plat is hereby approved subject to staff's recommendations and conditions on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign such plat on behalf of the Town and the Town Clerk is directed to affix to such plat the Town seal.

SECTION 3. The approval of this resolution is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.

SECTION 4. The Town Council of the Town of Davie does hereby adopt the WHEREAS clauses as set forth herein as essential parts of this Resolution approving the proposed amendment to the Sierra Estates Plat.

SECTION 5. The Town Council of the Town of Davie does hereby approve the proposed plat restrictive note shown on the Sierra Estates Plat, the proposed restrictive note being specifically described on the Planning report attached hereto as Exhibit "A". This approval is contingent upon compliance with the findings set forth herein, upon the condition that no dwelling units may be constructed upon the subject Plat unless a site plan is approved by the Town Council, which site plan meets the requirements of any land development regulations existing now or as may be amended pursuant to the studies conducted under the aforescribed zoning in progress. Further, it is conditional upon the Town's assertion that nothing contained in this approval or subsequent approval by Broward County shall have the effect of restricting the Town of Davie from applying any lawful regulations resulting from the aforescribed "zoning in progress" against the subject property.

SECTION 6. This Resolution shall be recorded in the Public Records of Broward County, Florida, by the Town Clerk.

SECTION 7. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2002.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2002.

Exhibit "A"

Application #: P 12-3-01
Sierra Estates Plat

Revisions:

Original Report Date: July 19, 2002

Town of Davie Development Services Department Planning and Zoning Division Staff Report and Recommendations

Applicant Information

Owner

Name: The Nadeau Charitable
Foundation, Inc.
Address: 2600 NE 9 Street
City: Ft. Lauderdale, FL 33304
Phone: (954) 768-8287

Agent

Name: Sun-Tech Engineering, Inc.
Address: 1600 West Oakland Park Blvd.
City: Ft. Lauderdale, FL 33311
Phone: (954) 777-3123

Background Information

Application Request: Approval of the proposed boundary plat.

Address/Location: 2000 Hiatus Road, Generally located on the east side of Hiatus Road, approximately one mile south of State Road 84.

Land Use Designation: Residential (1 du/ac)

Existing Zoning: AG, Agricultural District

Existing Use: Vacant Land

Proposed Use: The proposed plat restricts development to 88 single family lots.

Parcel Size: 89.05 acres (3,879,018 square feet)

Surrounding Land Uses:

North:Village at Harmony Lk. Dev.

South:Northstar Development

East:Ridgeview Lake Estates Dev.

West: Residential Homes

Surrounding Land Use Designations:

Residential (5 du/ac)

Residential (1 du/ac)

Residential (1 du/ac)

Residential (1 du/ac)

Surrounding Zoning:

North:PRD-5, Planned Residential Development (5 du/ac)

South:R-1, Estate Dwelling District

East:E-2 County, Agricultural Estate District and R-3, Low Density Dwelling District

West:R-1, Estate Dwelling District

Zoning History

Related Zoning History: None

Previous Request on same property: The subject property has been within the Town since incorporation. The land use plan designation was assigned to this parcel at the time of the adoption of the Comprehensive Plan in July 1989.

Development Plan Details**Development Details:**

The applicant's submission indicates the following:

1. The site area consists of approximately 89.05 acres (3,879,018 square feet) for the proposed development of 88 single family lots. The lot sizes will be determined at the time of site development review.
2. The plat provides for a 80' access opening located approximately 470' north of the south limits of the plat and a non-vehicular access line along the remaining portion of the west side of Hiatus Road.
3. An on-site lake with discharge into the canal located to the east of the subject site is proposed by the applicant to accommodate the sites stormwater impacts. Details of the drainage system will be reviewed during the site development process.

Summary of Significant Development Review Agency Comments

The Engineering Department recommends approval of the proposed request.

Codes and Ordinances

Land Development Code Section 12-306(B)(1) provides that no application for a building permit for construction of a principal building on a parcel of land shall be approved unless a plat including the parcel or parcels of land has been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953.

Comprehensive Plan Considerations

Planning Area: The proposed project is within the Planning Area No. 2 which generally includes the westernmost section of the Town, north of Orange Drive and South of SW 14 Street, and bound on the west by Interstate 75 and on the east by Nob Hill Road and Pine Island Road. The predominant existing and planned

land use is single family residential at a density of one dwelling unit per acre. The former Broward County Landfill site is programmed for redevelopment as a park (Vista View Park). The Boy Scout Camp located to the north of the former landfill site is also used for recreational and open space uses.

Several larger parcels in the immediate area are currently being platted, in preparation for marketing or development as estate residences and commercial projects.

Flexibility Zone: The Proposed plat is in Flexibility Zone 100.

Broward County Land Use Plan: None

Concurrency Considerations: Approval shall be subject to sufficient capacity of the regional road network as determined by Broward County. In event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.

Applicable Goals, Objectives and Policies:

Future Land Use Objective 15: Ensure that adequate rights-of-way are secured to accommodate the existing and future needs of the Town of Davie.

Staff Analysis/Findings of Fact

The proposed plat is consistent with the Comprehensive Plan and Land Development regulations as it relates to use, location, size, and access to the site.

The proposed plat is located within the Zoning in Progress area. It is noted that no site development plans may be reviewed until such time as the zoning in progress has been finalized and approved by Town Council.

The subject plat was submitted to the Town on December 20, 2001, prior to the adoption of the Zoning in Progress ordinance (Ord. 2002-8).

Staff Recommendation

Recommendation: Staff recommends approval of the proposed plat subject to the following Engineering and staff comments being reflected on the plat prior to Town Council consideration:

1. Approval shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
2. Prior to the issuance of a building permit the applicant shall submit a copy of the recorded plat.
3. **Prior to plat recordation,** a sufficient bond shall be posted with the Town of Davie to secure the following improvements:
 - a. Construct a 10' unpaved equestrian trail along the east and south limits of the plat.

The Developer shall construct the above improvements in accordance with Town of Davie standards prior to the issuance of any certificate of occupancy for structures within the development.

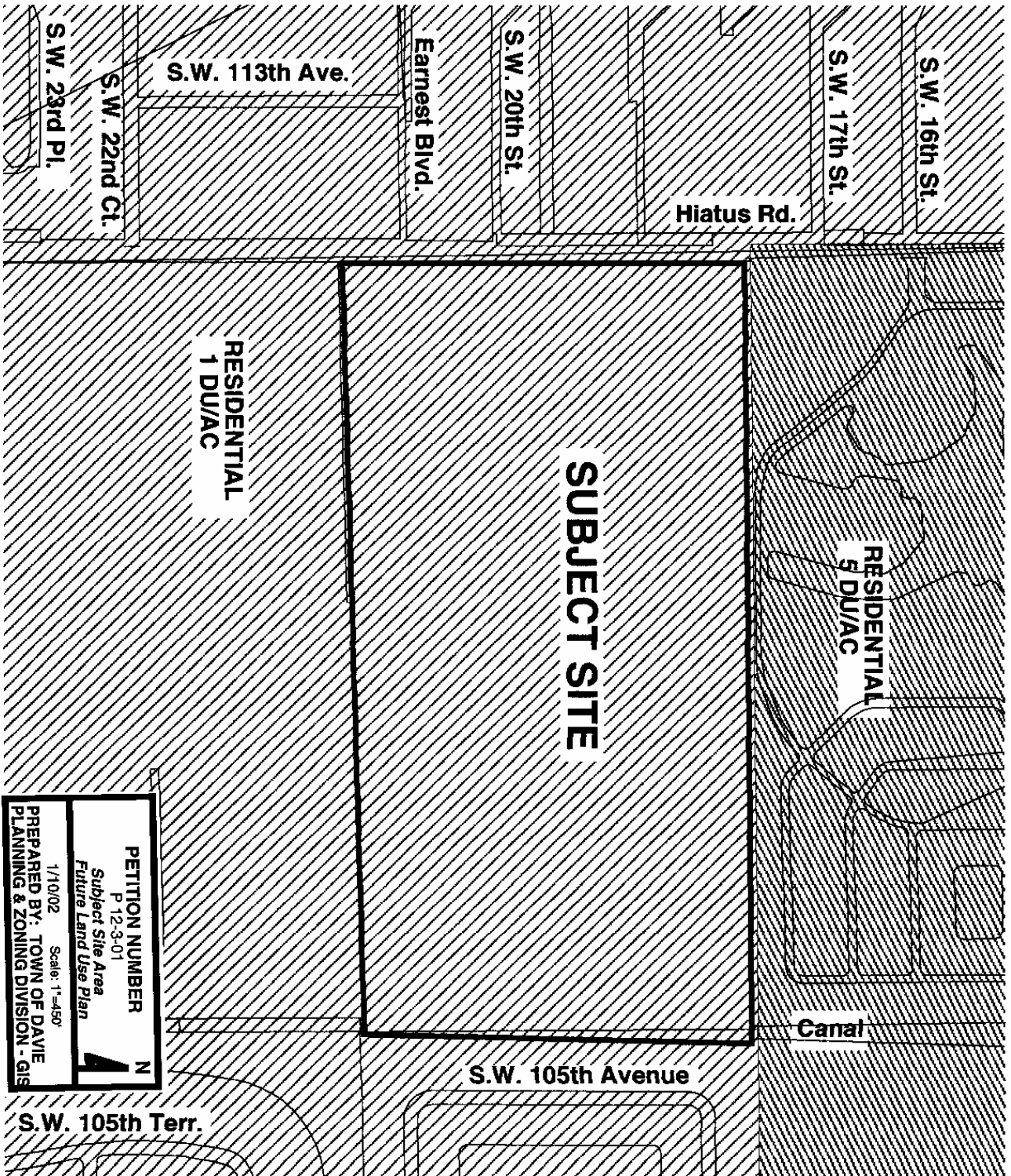
Planning and Zoning Board

Planning and Zoning Board recommended approval subject to the planning report (Motion By: Ms. Lee, Seconded By: Ms. Turin, Vice-Chair Bender and Mr. Waitkus absent. Motion Carried 3-0 August 14, 2002).

Exhibits

Resolution with Backup, Land Use map, Subject Site map, and Aerial.

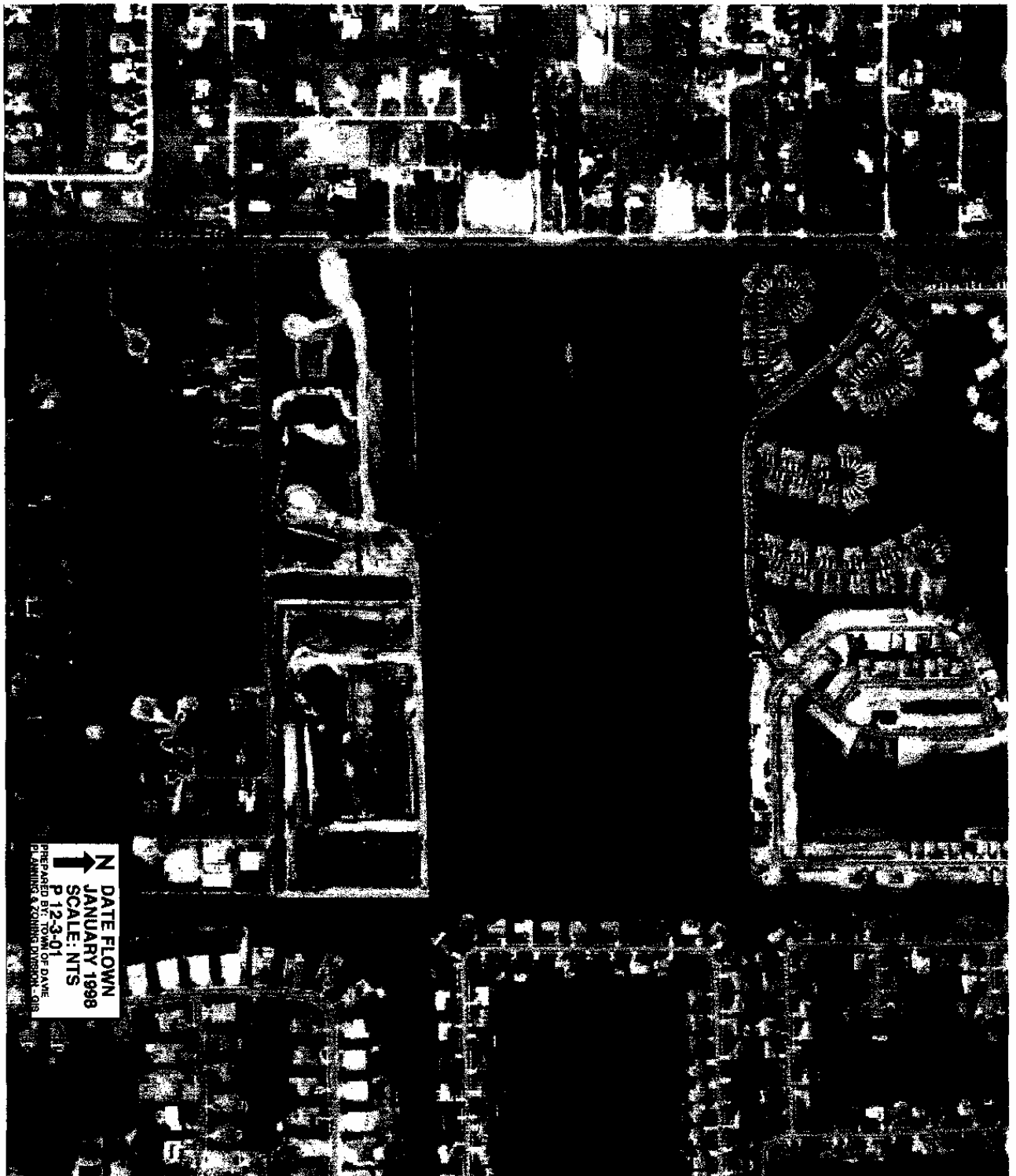
Prepared By:_____ **Reviewed By:** _____



PETITION NUMBER
P 12-3-01
Subject Site Area
Future Land Use Plan

1/10/02 Scale: 1"=450'

PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS



DATE FLOWN
JANUARY 1998
SCALE: NTS
P 12-3-01
PREPARED BY: JAMES L. DAVIS
PLANNING & ZONING DIVISION, OIR